

REMARKS

In the above-mentioned Office Action, all of the pending claims, claims 1, 2, 4-16, and 18-20, were rejected. Claims 1, 2, 4, 5, 7, 10, 16, 18, and 20 were rejected under §103(a) over the combination of Kamel and Holtzman. Claims 11-15 and 19 were rejected under §103(a) over the combination of Kamel, Holtzman, and Kim. And, claim 6 was rejected under §103(a) over the combination of Kamel, Holtzman, and Bos. Claim 8 was rejected under §103(a) over the combination of Kamel, Holtzman, and Thakker. And, claim 9 was rejected under §103(a) over the combination of Kamel, Holtzman, and Ahmadvand.

Responsive to the rejection of the claims, independent claims 1 and 16 have been amended as set forth herein, in manners believed better to distinguish the invention of the present invention over the cited combination of references.

With respect to exemplary claim, the claim has been amended, now to recite that the decision maker selectively generates the data communication permission command responsive to comparisons that indicate communication conditions to be at least as great as a selected level of favorability. And, the decision maker is further recited otherwise, responsive to comparisons that indicate the communication conditions to be less than the selected level of favorability, to not generate the data communication permission command, thereby to deny permission to the first communication station to communicate the first of the data. Method claim 16 has been analogously amended.

Support for the amendments are found, for instance, on page 24, lines 5-10.

While the Examiner acknowledges that Kamel fails to disclose the decision maker, or analogous operation, the Examiner relied upon Holtzman for disclosing such structure or method.

Holtzman, however, fails to disclose the decision maker, or corresponding operation, recited as now-amended. Reference is made, for instance, to column 6, lines 25-35, relied upon by the Examiner in the rejection of the claims. And, in particular, lines 31-33 states that the message indicates that an increase, decrease, or no change in transmission power is required. There is no disclosure in this section of the reference, or elsewhere, of denying permission to

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communicate the burst of data in the event that communication conditions are less than the selected level of favorability.

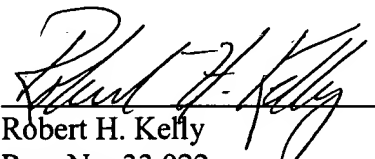
None of the other references are cited for showing such structure or operation. No combination of any of these additional references together with Kamel and Holtzman can be made to form the invention, as now recited in independent claims 1 and 16, as-amended.

As the dependent claims dependent upon claims 1 and 16 include all of the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the references, in any combination, for the same reasons as those given with respect to their respective parent claims.

Accordingly, reexamination and reconsideration for allowance of claims 1 and 16, and the dependent claims dependent thereon, is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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